

TRANSCRIPT PREPARED BY THE CLERK OF THE LEGISLATURE
Transcriber's Office

May 3, 1999

LB 870

but no...

SENATOR BEUTLER: Senat...

SENATOR BROMM: ...hard evidence that I recall.

SENATOR BEUTLER: Okay. Senator, wouldn't you agree that under the current definitions, the definition of "best management practice" doesn't have to be the same in all areas of the state or in all situations? I mean, certainly, DEQ applies different best management practices, depending on the...in fact, that's the whole genius of best management practices, isn't it, that it's flexible to...can be flexibly designed to any particular site location? One technology may or may not be appropriate for a particular site location and so you can agree upon one or the other. I guess I'm failing to see where there's a lack of flexibility in the current system.

SENATOR BROMM: I...I think some of us got the impression that by having...by having the law read best management practices means schedules and if you take those words then you have to draw from those schedules for the prescribed management activities or practices, whereas if you have the flexibility of having suggested schedules it's a broader term that allows you to draw in other methods that aren't maybe in black and white when the schedules were prepared, but maybe something that has evolved since that time that they could draw on without violating their own...the law or their own rules, and that's the impression I got.

SENATOR BEUTLER: Well, perhaps we can follow through with this with respect to a specific situation, and maybe that would help clarify in my mind what it is the committee was trying to get at. Let's say, for example, that somebody comes in for a permit and DEQ, with regard to that particular site and that particular operation, indicated and they agreed that there would be a certain kind of...a certain method of land application of waste over a particular area of land...

SPEAKER KRISTENSEN: One minute.

SENATOR BEUTLER: ...and they prescribed in that permit that